

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

mw/nmt

Mailed: March 22, 2017

Opposition No. 91228273

Lundbeck LLC

v.

Boehringer Ingelheim International GmbH

By the Trademark Trial and Appeal Board:

On February 14, 2017, Applicant filed a proposed amendment to application Serial No. 79176276, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 5 as follows:²

From:

~~Pharmaceutical preparations, namely, pharmaceutical preparations for the treatment of diseases and disorders of the alimentary tract and metabolism, and blood and blood forming organs; pharmaceutical preparations for the treatment of diseases and disorders of the cardiovascular system, musculoskeletal system, central nervous system, peripheral nervous system, genitourinary system and respiratory system; and pharmaceutical preparations for the treatment of dermatological, hormonal, infectious, viral and oncological diseases and~~

¹ The Board notes that Applicant filed a duplicate copy of the consented motion by mail. 12 TTABVUE. Parties should not file duplicate copies of motions or other filings with the Board. Further, all submissions to the Board must be made via ESTTA. *See* Trademark Rule 2.126.

² Wording proposed to be deleted is represented with strikethrough.

disorders; aforementioned goods with the exception of veterinary preparations as well as preparations relating to animals

To:

Pharmaceutical preparations for the treatment of dermatological, hormonal, infections, viral, and oncological diseases and disorders, aforementioned goods with the exception of veterinary preparations as well as preparations relating to animals.

The amendment is limiting in nature, as required by Trademark Rule 2.71(a).

Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in Opposer's withdrawal having now been met, the opposition is **dismissed** without prejudice.